

REMARKS

This Application has been carefully reviewed in light of the Advisory Action mailed March 31, 2006. In order to advance prosecution of the present Application, Claims 1, 13, 22, 25, 27, 44, and 45 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

The Examiner issued a Final Action on January 10, 2006. Applicant submitted a Response to Examiner's Final Action on March 10, 2006. The Examiner issued an Advisory Action on March 31, 2006 stating that the Response to Examiner's Final Action would not be entered because it raised new issues requiring further searching and consideration. Applicant respectfully requests continued examination of this Application so that the Response to Examiner's Final Action can be entered and considered by the Examiner pursuant to this Request for Continued Examination. For the convenience of the Examiner, the amendments made to the claims in the Response to Examiner's Final Action and the accompanying comments are repeated herein.

Claims 1-13, 22-27, 29, 31, and 32 stand rejected under 35 U.S.C. §102(e) as being anticipated by Steinberg, et al. Independent Claims 1, 13, 22, 25, 27, 44 and 45 recite in general the ability to determine whether access to a high speed network connection is available, establish a communication link over the high speed network connection in response to access being available to the high speed network connection, and establish a communication link over a dialup network connection with the service provider in response to access not being available to the high speed network connection. By contrast, the Steinberg, et al. patent does not disclose a capability to use a dialup network connection when access to a high speed network connection is not

available as required by the claimed invention. Support for the above recitation can be found at page 7, lines 20-29, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1-13, 22-27, 29, 31, and 32 are not anticipated by the Steinberg, et al. patent.

Claims 14-16 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Steinberg, et al. in view of Wasula, et al. Independent Claim 13, from which Claims 14-16 and 18 depend, has been shown above to be patentably distinct from the Safai patent. Moreover, the Wasula, et al. patent does not include any additional disclosure combinable with the Safai patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 14-16 and 18 are patentably distinct from the proposed Steinberg, et al. - Wasula, et al. combination.

Claims 17, 19, 20, 28, 30, 31, and 34-43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Steinberg, et al. in view of Safai. Independent Claim 13, from which Claims 17, 19, and 20 depend, and Independent Claim 27, from which Claims 28, 30, 31, and 34-43 depend, have been shown above to be patentably distinct from the Steinberg, et al. patent. Moreover, the Safai patent does not include any additional disclosure combinable with the Steinberg, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 17, 19, 20, 28, 30, 31, and 34-43 are patentably distinct from the proposed Steinberg, et al. - Safai combination.

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Steinberg, et al. in view of Paz-Pujalt, et al. Independent Claim 13, from which Claim 21 depends, has been shown above to be patentably distinct from the Steinberg, et al. patent. Moreover, the Paz-Pujalt, et al. patent does not include any additional disclosure combinable with the

Steinberg, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 21 is patentably distinct from the proposed Steinberg, et al. - Paz-Pujalt, et al. combination.

Claims 44 and 45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Safai in view of Steinberg, et al. Independent Claims 44 and 45 recite in general an ability to determine whether access to a high speed network connection is available, establish a communication link over the high speed network connection with a service provider in response to access being available to the high speed network connection, and establish a communication link over a dialup network connection with the service provider in response to access not being available to the high speed network connection. By contrast, the Steinberg, et al. and Safai patents do not disclose a capability to use a dialup network connection when access to a high speed network connection is not available as required by the claimed invention. Support for the above recitation can be found at page 7, lines 20-29, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 44 and 45 are patentably distinct from the proposed Safai - Steinberg, et al. combination.

Please charge Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. an amount of \$790.00 to satisfy the request for continued examination fee of 37 C.F.R. §1.17(e).

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any other fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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